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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,502	12/23/2005	Kevin Scott Macliver	S1011-20190	7945
3000 7590 06/08/2007 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			EXAMINER NELSON JR, MILTON	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/562,502

Applicant(s)

MACLIVER, KEVIN SCOTT

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/20/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information referred to in the information disclosure statement filed September 20, 2006 has been considered.

### ***Preliminary Amendment***

Applicant's preliminary amendment has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 11 of claim 8, it is unclear if "the body" is intended to be the previously set forth "seat body". In the last line of claim 8, the recitation "the event" lacks proper antecedent basis. Similarly note the last line of claim 9, and line 8 of claim 14. In line 1 of claim 10, the recitation "the horizontal portion" lacks proper antecedent basis. In line 1 of claim 13, the recitation "the horizontal" lacks proper antecedent basis. All remaining claims are indefinite since each depends from an indefinite claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over EP (0844938) in view of Nakano et al (5584525). The primary reference shows all claimed features of the instant invention with the exception of the thigh portion having located therein a reinforcing bar to provide energy absorbing means adapted to absorb energy in the event of the vehicle being involved in an accident. In the primary reference, note the seat body (10), base portion (12), back portion (11), divider means (13), releasable anchoring means (see paragraph 0008), support legs (83), thigh portion (82), and lower portion (84). The secondary reference teaches providing a tubular horizontal portion (122a) of a vehicle seat with an internally located reinforcing bar (122b). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by providing the internally located reinforcing bar within the thigh portion. Such a configuration will necessarily provide energy absorption in the event of a vehicle accident. Such enhances user safety.

Claims 9 and 12, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (0844938) in view of Nakano et al (5584525). The primary reference shows all claimed features of the instant invention with the exception of the horizontal portion comprising inner reinforcement means adapted to absorb energy in the event of the vehicle being involved in an accident (claim 9), wherein the inner reinforcement means comprises a rod secured in the horizontal portion (claim 12). In the primary reference, note the seat body (10), base portion (12), back portion (11), divider means (13), releasable anchoring means (see paragraph 0008), support legs (83), thigh portion (82), and lower portion (84). The secondary reference teaches providing a tubular horizontal portion (122a) of a vehicle seat with an internally located reinforcing means (122b). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by incorporating the internally located reinforcing means within the horizontal portion. Such a configuration will necessarily provide energy absorption in the event of a vehicle accident. Such enhances user safety.

***Allowable Subject Matter***

Claim 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 10, 11 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

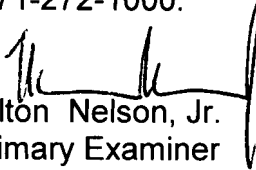
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marwan et al (5344210) shows a reinforcing member of a vehicle seat that bends during a vehicle accident. Each of von Wimmersperg (4640545) and Pacella et al (6817665) shows a supporting leg for a child vehicle seat. A reinforcing bar within the body of a seating assembly is shown by each of Anderson (3698150) and Schwartz et al (4966415). Yoshida et al (5967604) shows a deformable support bar for a vehicle seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
May 24, 2007